

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY BROWN,

Plaintiff,

v.

Case No. 12-13402

CITY OF DETROIT and LATONYA
BROOKS,

Defendants.

/

ORDER OVERRULING OBJECTIONS AND AFFIRMING MAGISTRATE JUDGE

Plaintiff Henry Brown, a pro se prisoner, has filed Objections to Magistrate Judge David R. Grand's Order Denying Brown's Motion of Leave to File a Supplemental Complaint and Motion for Discovery. (Dkt. # 26.) More recently, Brown also filed an Objection to Judge Grant's Order Denying Brown's Motion for Additional Discovery. (Dkt. # 41.) The court will treat both of Brown's objections to these Orders as appeals. For the reasons set forth below, the court will overrule Brown's Objections and will affirm the magistrate judge's orders.

I. STANDARD

Objections to orders issued by magistrate judges are treated as appeals subject to the "clearly erroneous" standard set forth in 28 U.S.C. § 636(b)(1)(A). *Brown v. Rapelje*, No. 1:09-CV-639, 2012 WL 4490769, at *1 (W.D.Mich. Sept. 28, 2012). As such, the "decision and order of a non-dispositive motion by a magistrate judge will be upheld unless it is clearly erroneous or contrary to law." *Koetje v. Norton*, No. 13-12739, 2014 WL 2005021, at *1 (E.D.Mich. May 16, 2014).

II. DISCUSSION

A. Plaintiff's Objections to July 26, 2013 Order

Brown objects to the magistrate judge's July 26, 2013 Order denying Brown's Motion for Leave to File a Supplemental Complaint, which the magistrate judge construed as a motion to amend. (Dkt. # 23.) The magistrate judge denied Brown's motion because (a) Brown failed to attach a proposed amended complaint in violation of E.D. Mich. LR 15.1; (b) failed to provide any explanation for why he chose not to name the three additional defendants he wishes to add now in his original complaint; and (c) does not have the contact information for several of the proposed new defendants, severely complicating service of process. (Dkt. # 23, Pg. ID 145-46.) The magistrate judge (d) also noted that he was concerned that Brown's proposed amendment was brought in bad faith and (e) found that adding several of the proposed new defendants would be futile under both federal and Michigan law. (*Id.* at Pg. ID 145-148.) Brown has offered no reason why the magistrate judge's order denying his motion was clearly erroneous, nor has he filed an amended complaint. As such, the court finds no basis to reverse the order.

Brown also objects to the magistrate judge's denial of Brown's Motion for Discovery in the same order. (Dkt. # 23.) In his original motion, Brown requested documents from John L. Casey, who, in a separate motion, he had moved to be added as an additional defendant. (Dkt. # 19, Pg. ID 117.) As mentioned above, the magistrate judge denied Brown's motion to amend his complaint and add Casey as a defendant. (Dkt. # 23, Pg. ID 145-46, 148.) Accordingly, the magistrate judge also denied Brown's Motion for Discovery as a matter of law because Casey was not a party

opponent. (Dkt. # 23, Pg. ID 148-49.) In his objection, Brown offers no reason why the magistrate judge's order denying this motion was clearly erroneous. As a result, the court finds no basis to reverse this order, either.

B. Plaintiff's Objection to February 3, 2015 Order

Brown also objects to the magistrate judge's February 3, 2015 Order denying Brown's Motion for Additional Discovery. (Dkt. # 41.) The magistrate judge denied the motion because (a) Brown failed to attach any actual interrogatories or requests to his motion, making it unclear whether he fully complied with the service requirements in Federal Rules of Civil Procedure 33 and 34; and (b) Brown's motion requested documents and information from non-parties, in clear violation of federal discovery rules. (Dkt. # 40, Pg. ID 484-85.) In his objection, Brown reasserts that the information and documents he requested are important to his case, but fails to provide the court with a reason the magistrate judge's order denying his motion was clearly erroneous as a matter of law. Consequently, the court finds no basis to reverse this order.

III. CONCLUSION

For the aforementioned reasons,

IT IS ORDERED that Brown's objections (Dkt. # 26) are OVERRULED, and the magistrate judge's July 26, 2013 order (Dkt. # 23) is AFFIRMED.

IT IS FURTHER ORDERED that Brown's February 17, 2015 objection (Dkt. # 41) is OVERRULED, and the magistrate judge's February 3, 2015 order (Dkt. # 40) is AFFIRMED.

S/Robert H. Cleland
 ROBERT H. CLELAND
 UNITED STATES DISTRICT JUDGE

Dated: August 31, 2015

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, August 31, 2015, by electronic and/or ordinary mail.

S/Lisa G. Wagner
Case Manager and Deputy Clerk
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